

1
2 RODNEY J. CONERLY,
3 Plaintiff,
4 v.
5 LAURIE SMITH, et al.,
6 Defendants.
7

8 Case No. 16-cv-03168-MEJ (PR)
9

10
11 **ORDER DENYING PLAINTIFF'S
MOTION FOR APPOINTMENT OF
COUNSEL**

12 Re: Dkt. No. 12
13

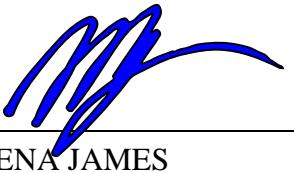
14 Plaintiff has requested that counsel be appointed to assist him in this action. A district
15 court has the discretion under 28 U.S.C. § 1915(e)(1) to designate counsel to represent an indigent
16 civil litigant in exceptional circumstances. See Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th
17 Cir. 1986). This requires an evaluation of both the likelihood of success on the merits and the
18 ability of the plaintiff to articulate his claims pro se in light of the complexity of the legal issues
19 involved. See id. Neither of these factors is dispositive and both must be viewed together before
20 deciding on a request for counsel under § 1915(e)(1). Here, exceptional circumstances requiring
21 the appointment of counsel are not evident. The request for appointment of counsel is therefore
DENIED. The Court will consider appointment of counsel on its own motion, and seek volunteer
counsel to agree to represent plaintiff pro bono, if it determines at a later time in the proceedings
that appointment of counsel is warranted.

22 This order terminates Docket No. 12.

23 **IT IS SO ORDERED.**

24 Dated: October 31, 2016

25
26
27
28



MARIA-ELENA JAMES
United States Magistrate Judge